

Truro Board of Selectmen
Meeting Minutes – Tuesday, October 14, 2014
Truro Town Hall, 5:00 p.m.

Members Present: Jay Coburn-Chair, Paul Wisotzky-Vice Chair, Jan Worthington-Clerk, Robert Weinstein, and Maureen Burgess

Others Present: Co-Acting Town Administrator Robert Lawton

Chair Jay Coburn called the meeting to order at 5:00 p.m.

Public Comment Period

No Public Comments were heard.

Public Hearings:

Continued NSTAR for installation of Cable, Conduit and 5 Manholes (Standish Way & South Hollow Rd) and Authorize the BoS Clerk to sign

Coburn postponed until arrival of NSTAR Representatives.

Joint Meeting with Finance Committee Preliminary Discussion on FY16 Budget and Fiscal Planning Parameters

Bob Panessiti, Chair of the Finance Committee introduced the Finance Committee members. He stated that a big concern every year is the growing budget. He explained costs that are out of anyone's control such as the costs for health care and energy. He spoke of the Town being able to project long range fiscal plans that anticipate costs that might arise in a given Fiscal year. Mr. Panesitti stated that the Finance Committee assists through Budget Task Force meetings. He spoke of the town providing services at a cost that were reasonable. Coburn stated concern over the long term trajectory of the budget. It was mentioned how the labor contracts affect the budget as well. Mr. Panesitti suggested that Town fees be examined. Worthington expressed that all Board of Selectmen members be involved in the long term planning discussions and to find out what services people expect and what services they are willing to pay for. She also asked that there be a more open dialogue with Truro Central School. Mr. Panesitti again asked if the Town wishes to level fund or provide level service and what must be provided must be done in a cost effective manner.

Wisotzky agreed that the budget growth needs to be contained while there is also an obligation that the Town has in terms of services. Coburn announced the venues that people can attend regarding the budget such as Pre-Town Meeting. Wisotzky added, with input from citizens, they can form policy choices and options. He added that all departments can outreach to their constituents. It was discussed to have a survey with priority ranking of specific services. Worthington felt that engaging citizenry should be considered early on in the budget process. There was discussion as to how proceed with outreaching Truro tax payers. Coburn asked that the Budget message from the Board of Selectmen be considered for review on the 28th of October. Mr. Panesitti stated that he was not aware of any budget issues noting that there will be discussions regarding a fulltime Fire Chief. He also added that there will be an increase to the cost of solid waste and that the Board of Selectmen needs to be mindful of the Capital Improvement Plan.

Public Hearings:

Continued NSTAR for installation of Cable, Conduit and 5 Manholes (Standish Way & South Hollow Rd) and Authorize the BoS Clerk to sign

Jerome McDermott, an NSTAR Community Relations representative, explained the purpose behind the

project along Standish Way and South Hollow Rd¹. Jessica Elder of NSTAR announced that there was an error in that Shore Rd was not State owned. Coburn asked that the NSTAR representatives explain what the project is for and what they hoped to accomplish. Mr. McDermott spoke to the project area stating that the areas of service have vulnerability with NSTAR building in redundancies in Massachusetts, Connecticut and New Hampshire which will help with shortening the duration of power outages. He spoke to the herbicide spraying of specific trees so meadows can flourish along power lines. Mr. McDermott also noted the various things that NSTAR takes into consideration when there is digging underground adding that they outreach to residents should they have any concerns.

Mr. Lawton explained that there will be an additional public hearing on November 12th for work along Shore Rd. There was a discussion regarding the redundancies of power running along Route 6 from Wellfleet. Mr. McDermott noted that the electricity is rerouted at Standish Way. He added that the work along Shore Rd is being done to bury power lines from the beginning of 6A (Shore Rd) to Provincetown. Mr. McDermott assured the Board of Selectmen that the Chief Engineer John Gomber will be in attendance to further explain the purpose of this project in its totality on November 12th.

Coburn asked for a motion to continue the NSTAR public hearing until November 12th. Wisotzky so moved. Burgess seconded the motion. So voted unanimously 5-0.

MRI Consulting Executive Officer Progress Report

Review and Approve proposed Truro Fire Department Policies and Procedures

Wisotzky stated that there is a draft Fire & Rescue Department Rules and Regulations before the Board of Selectmen². Chief Davis explained that many things have been accomplished with 90% of the shifts being covered and he anticipates more Call people applying to the department.

Bob Loomer spoke of the process that was involved to create the Rules and Regulations. He mentioned that there were previous rules in place that were related to a different authority over the Fire Department. He stated that the document reflects public safety as a high priority with all Fire Department documents referring back to the Rules and Regulations. Weinstein questioned under Rules in Regulations Section 9.01 (General Requirements-Residency Requirement) with respect to the residency requirement, how a person is allowed to live within 15 miles of the town and whether the department could adequately staff people with this requirement. Chief Davis responded that this has been in place for many years but is specifically for Call people. Weinstein also questioned who is to make sure that all staff members have the specified training and certification on the Fire Department.

Mr. Loomer responded in terms of the Chain of Command, the person responsible for training and certification would be the Chief of the Fire department but insisted that there needs to be a Second in Command. Weinstein questioned Section 13.01 the Duties of the Chief. Wisotzky noted that the responsibilities are in the Fire Chief's job description. Wisotzky explained that the MRI report entails all the job descriptions for the Fire Department. He further added that the Fire Chief is responsible for making sure that people are trained. **Wisotzky moved that the Board of Selectmen adopt the Truro Fire Department Rules and Regulations as printed in the packet dated October 14th, 2014. Worthington seconded the motion. So voted unanimously 5-0.**

Mr. Loomer spoke of the top five challenges and the action that has been taken to date, along with the top five recommendations. It was reported that there is sufficient staffing now for the per diem shifts. Recruiting efforts have increased with successful responses. He reported the significance of training and making sure that everyone is adequately trained before they respond to a call. Mr. Loomer stated that as budget season is approaching there are programs that they could explore through the Department of Homeland Security. He explained all three grant programs in greater detail for equipment, staffing and education. He added that he could work with the Chief to help develop the narrative for the grant. Wisotzky responded that Chief Davis and Bob Loomer request authorization to work on the grants with about 8 hours of consulting time for Mr. Loomer. Mr. Loomer explained the importance of the narrative

when submitting the grant application and closed by saying the Town would have a financial obligation if awarded the grant. He added that awards typically start in May but that money needs to be allocated. The need to explore all grant seeking opportunities for equipment was discussed.

Wisotzky moved that the Board of Selectmen authorize Chief Davis to work with Bob Loomer on the Assistance for Fire Fighters grants through the Department of Homeland Security. Weinstein seconded the motion. So voted unanimously 5-0.

Review and Approve proposed Code of Civil Conduct for Employees, Committee and Board members

Wisotzky noted within the draft Code of Civil Conduct under the section *Civility*³ he asked with respect to personal attacks that the person be “present or absent” and in the following sentence without the threat of harassment and “intimidation”. He suggested in the section on *Integrity* to expand on it with the following, “Acting with integrity includes the commitment to honesty, truthfulness, fairness, follow through and completing tasks and duties to the highest standard possible.” The section called *Respect*, he discussed the concept of “anytime” and whether that meant even when a person is not on duty noting that it should be clarified to state including “outside of normal business hours”. Mr. Lawton inserted if the person is at an event representing the Town it would apply and standards should be met. Wisotzky expanded on the issue when someone is not on duty but are in fact “ambassadors” to the Town. Worthington felt that the document in its entirety captures that concept. Mr. Lawton cited an example of what Wisotzky was suggesting. Wisotzky questioned the definition of “anytime”. Worthington felt that perhaps it should just state, “while representing the Town”. Mr. Lawton commented that it expands on this later in that paragraph as it suggests “doing business in Town building or at a Town event”. In the section *Ethics*, Wisotzky asked that there be a requirement in terms of the State Ethics Exam. There is a document that lists who has taken the exam with the Board of Selectmen or the Town Administrator responsible for enforcing that. Wisotzky noted under *Communication*, the importance of maintaining confidentiality, with the insertion that “there will also be a commitment to confidentiality of privileged communication that occurs in Executive Sessions and or involves matters such as personnel, personal health information, of employees, volunteers, clients, collective bargaining, threatened, pending or ongoing litigation”.

He also noted that there was something missing around enforcement asking that the following be inserted, “while it is expected that everyone will abide by the Code of Conduct and remind colleagues and people and peers of their obligations, it is the responsibilities of Committee Chairs, Commission Chairs, Board Chairs, the Town Administrator, and Department Heads to enforce the Code of Conduct, violations will not be tolerated”. He asked what would happen if someone violated the Code of Conduct with respect to consequence. Mr. Lawton stated that this is incident specific and cannot be stated. He added that it could be indicated that action will be taken by the appointing authority. He questioned under Chief of Police and Fire Chief, “Chiefs shall be directed to the Board liaison of the respective Chief or (adding) the Chair person of the Board of Selectmen”. Coburn asked to keep it flexible to the Board’s liaison. Wisotzky explained a scenario as to who would replace the liaison when the liaison is not available. Coburn suggested that the document be tabled to further work on it along with the question regarding enforcement.

Review and Approve Request for Quotes for Legal Services

Mr. Lawton explained that a draft Request for Quotes for legal services was before the Board of Selectmen for review⁴. Mr. Lawton expressed his opinion that larger firms do have a myriad of Attorneys and it would be best for the Town to have consistent representation. Weinstein commented that the RFQ is comprehensive and is directed at all size firms. Coburn suggested a deadline of mid-November and to have it posted on the Town website to establish an open process. Weinstein stated that he would welcome any additional law firm names that the RFQ should reach. It was determined to interview approximately 3-4 Attorneys. Wisotzky questioned if the response to the RFQ would be the

law firm's proposal. It was determined to add to the RFQ a submission of references. Burgess noted that it should be one Attorney that the Board of Selectmen consistently deals with.

Coburn asked for a motion to move that the Board of Selectmen issue the RFQ for local and regional law firms and post on the town website with responses due on the 14th of November for the Board of Selectmen to review and select candidates to be interviewed. Burgess so moved.

Weinstein seconded the motion. So voted unanimously: 5-0.

Review and Approve Committee Charge for S.M.A.R.T. (Save Money and Reduce Trash)

Weinstein read into record the proposed Charge for the SMART Committee⁵. He also mentioned the proposed membership of the Committee being comprised of a member from the Recycling Committee, Board of Health, Board of Selectmen as well as three members at large with assistance from the DPW Director and the Health Agent. Weinstein spoke of the increased tipping fees resulting in more and more communities' implementing Pay As You Throw programs. Worthington asked that a Pay As You Throw program be taken to the voters at Town meeting as this was a lifestyle change for many and she asked that this request be reflected in the Charge. Weinstein mentioned that fees from the Board of Health are not voted on at Town Meeting. Worthington felt that as many take the topic of Pay As You Throw seriously and it should be decided by a vote. Burgess agreed with Worthington. Wisotzky felt the Committee was only being established to study the prospects and feasibility of the program. Coburn stated that there is an open meeting process that allows for public comment. Worthington restated her concern with the process. Weinstein asked that the Committee be allowed to come back with their findings as the results may not indicate that this program is fiscally worth doing. Burgess felt that the Board of Selectmen needs to see what the findings are of the Committee and then present it to the people.

Wisotzky received confirmation that it was an Ad-Hoc Committee and asked that there be a date certain for the final report. Tracey Rose, Vice-Chair of the Board of Health suggested that the Town Accountant be consulted as well due to the financial implications. Coburn stated that the PAYT program would not be implemented until FY16 or FY17 and asked for a May 1st deadline. Wisotzky suggested that there be a staff person to assist with posting Agendas, recording Minutes and gathering statistical information; Mr. Lawton concurred.

It needed to be determined where the funds were going to come from to pay this person. Worthington expressed that Norman "Tippy" Scherer of the Recycling Committee stay involved.

Wisotzky moved to approve the adoption of the SMART AdHoc Committee as it was written and amended tonight at the Board of Selectmen meeting. Weinstein seconded the motion. So voted: 4-0-1. Worthington abstained.

Coburn noted the membership with one member each from the Board of Selectmen, Board of Health, Recycling Committee, Finance Committee, non-voting members would be the Health Agent and DPW Director, and three members at large, with 7 members' total. **Wisotzky moved to approve the proposed members of the SMART or PAYT Committee. Weinstein seconded the motion. So voted 4-0-1. Worthington abstained.**

Announcement of Approved Contract with Town Administrator

Coburn was pleased to announce that there was an approved contract with the new Town Administrator, Rae Ann Palmer.

Consent Agenda

- 1) Review and Approve Meeting Minutes: September 17, 2014 Regular and September 23, 2014 Regular, Executive and Hold; September 30, 2014 & October 7, 2014 Both Regular & Executive and Hold⁶
- 2) Review and Approve and Authorize the Chair to sign:

- a. FY15 Purchase and Services Contract from Elder Services of Cape Cod and the islands for transportation at the Council on Aging⁷
- b. Human Resources and Labor Counsel Services and Fee Agreement with Attorney John F. Dolan⁸
- 3) Reappointment of Board and Committee members-Bill Golden, OSC; John Thornley-COA; Kathleen Stevens-COA, Alt. (Resigning Full-Member)⁹
- 4) Review and Approve Applications to Serve Agricultural Commission –Peter Staaterman-Alt.¹⁰
- 5) Review and Approve Declaration of Surplus:
 - a. Council on Aging Conference Table and Allow for Extension of Lease of Table¹¹
 - b. Town Hall Computer Equipment¹²
- 6) Review and Approve Change of Hours-Fuller’s Package Store & Pamet Valley Package Store (Sunday’s opening 10AM) per MGL 138 §15¹³
- 7) Review and Authorize Co-Acting Town Administrator Robert C. Lawton Jr. to sign Community Innovation Challenge Grant Local Support Documentation Form (Improved Cape Net Telephone)¹⁴

Burgess moved to approve the Consent Agenda and hold the Executive Session Meeting Minutes. Wisotzky seconded the motion. So voted unanimously 5-0.

Discussion of format of Board of Selectmen Meeting Minutes

Mr. Lawton explained that there is a memo¹⁵ before the Board of Selectmen outlining some changes to the position of the Town Administrator Executive Assistants. Mr. Lawton alluded to the amount of time that is required for the recording secretary to attend the Board of Selectmen meetings. He proposed that as the meetings are recorded to video that the minutes be transcribed from the video directly. He asked that the Board of Selectmen members denote specifically at the meetings when they want something that was said added to the minutes. He explained that the Town Administrator will be taking the minutes during Executive Sessions as he had. Wisotzky asked for clarification as to what is required to be in the minutes. Mr. Lawton explained that more than the votes is now required in the Executive Session minutes. Coburn expressed his desire to focus on other items on the Agenda than the overall details of the minutes. Mr. Lawton said that the Board of Selectmen could see how it goes for a couple of months and then revisit it if necessary.

Review and Approve and Authorize Vice-Chair to sign

Agreement with Bailey Boyd Associates, Inc. for Professional Services for the FY14 Truro CDBG Grant and supporting documentation

Coburn recused himself from the discussion.

Wisotzky explained the annual agreement from Bailey Boyd Associates which provides services on annual grants¹⁶. He read into record a support letter from the Recreation Department Director regarding Bailey Boyd Associates.

Weinstein moved to approve the contract agreement with Bailey Boyd Associates for the FY14 CDBG grant and supporting documentation and authorize the Vice-Chair to sign. Burgess seconded the motion. So voted: 4-0-1. Coburn abstained.

Selectmen Reports Liaison Reports

Worthington –She spoke of a need for a lower speed zone along Truro Center Rd. She added that the Chief of Police is investigating the speed on that road. She asked that the reflective lettering on the Pamet Road sign be fixed as there are pieces missing. She noted the amount of money (\$14,350.00) that Truro Treasures has contributed this year towards programs in Truro. She asked that Town Counsel speak to comments given on the Charter changes. Coburn suggested that the Charter Review Committee attend a meeting with Town Counsel.

Wisotzky- He spoke of recent Office Hours and items at a recent COA Board meeting including the issue of affordable housing.

Coburn-He spoke of reviving the Intermunicipal Regional Group which hasn't met for over a year and the Board of Selectmen possibly sponsoring an Article to change the bylaw for year round use of condominiums.

Burgess- She stated that the Bike and Walkways Committee is drafting a letter to Mass DOT regarding road safety and at some point the Chair will give an update to the Board of Selectmen on their suggestions to Mass DOT. She spoke of a conference that she attended regarding Ebola preparedness and cautioned that EMS and Dispatchers be prepared for this outbreak. She suggested that the Town website contain links for citizens to find additional information on Ebola. Coburn commented that the Town website should be specific to Truro related information. Burgess told the Board of Selectmen that a large grant was awarded to the Herring River Restoration Project.

Weinstein- He spoke of a resident having issue with the speed of traffic on Truro Center Road. He stated as liaison to the Pamet Harbor Commission, he became aware of an unposted Commission meeting and he wanted to bring this to the attention of the Board of Selectmen. Mr. Lawton explained that staff had notified the Chair of the Open Meeting requirements. He also suggested that the proper form would be to request attendance from the Chair along with the Pamet Harbor Commission to come before the Board of Selectmen. Coburn spoke to the issue of staff attending meetings that are not posted properly.

Mr. Lawton spoke to the issue of the bus route along Truro Center Road after a discussion he had with a CRTA (Cape Regional Transit Authority) representative.

Next meeting Agenda: October 28, 2014

Preliminary discussion on fees with Shellfish Advisory Committee; HRS Inc., Consultant to discuss the Wage and Classification study; Town Water Hook-up Application for Fred Sateriale (South Wind Court Condos); Renewal of 2015 licenses; New draft Code of Conduct; Budget Message for FY16; Changes to Policy #30 Senior Tax work program; Update on revising the BoS Policies. Worthington asked about having a meeting with the Charter Review Committee and Town Counsel's written opinion.

Town Administrator's Report

Mr. Lawton explained that they have chosen Jason Norton to be the DPW Director and he hopes to introduce him the Board of Selectmen at the next meeting. He also explained that Trudi Brazil, the Town Accountant has finished Schedule A for the State; the Town is now ready for the FY16 budget parameters.

At 8:05PM Wisotzky moved to adjourn the meeting. Worthington seconded the motion. So voted unanimously 5-0.

Respectfully submitted, Nicole Tudor, Board of Selectmen Secretary

Jay Coburn, Chairman

Paul Wisotzky, Vice-Chairman

Janet W. Worthington, Clerk

Robert Weinstein

Maureen Burgess
Board of Selectmen
Town of Truro

¹ NSTAR for installation of Cable, Conduit and 5 Manholes (Standish Way & South Hollow Rd) Public Hearing Notice and Abutter information and Maps of Standish Way and South Hollow Rd

² Draft Rules and Regulations for the Truro Fire Department (Oct. 14, 2014); email from Bob Loomer dated 9.16.2014; Top Five Challenges; Top Five Recommendations; Actions taken to date; Summary of Work Performed to date

³ Draft Code of Civil Conduct for Employees, Committee and Board members

⁴ Draft Request for Quotes for Legal Services

⁵ Draft Committee Charge for S.M.A.R.T. (Save Money and Reduce Trash)

⁶ Meeting Minutes: September 17, 2014 Regular and September 23, 2014 Regular and Executive ; September 30, 2014 & October 7, 2014 Regular & Executive

⁷ FY15 Purchase and Services Contract from Elder Services of Cape Cod and the islands for transportation at the Council on Aging

⁸ Human Resources and Labor Counsel Services and Fee Agreement with Attorney John F. Dolan

⁹ Application to Serve Bill Golden, OSC; John Thornley-COA; Kathleen Stevens-COA, Alt.

¹⁰ Application to Serve Agricultural Commission –Peter Staaterman

¹¹ Council on Aging Conference Table and Allow for Extension of Lease of Table Memo from Charleen Greenhalgh

¹² Town Hall Computer Equipment-Memo From David Wennerberg

¹³ Change of Hours-Fuller's Package Store & Pamet Valley Package Store (Sunday's opening 10AM) per MGL 138 §15 Form 43, Non-Fee ABCC Transmittal Form and Vote of the Corporate Board, ABCC Advisory, Chief of Police Memo and LLA Memo from Licensing Department.

¹⁴ Community Innovation Challenge Grant Local Support Documentation Form

¹⁵ Memo from Robert Lawton regarding Executive Assistant positions

¹⁶ Bailey Boyd Associates agreement and letters to Mark Nardone of DHCD and Mark Southard of DHCD